

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, OCTOBER 29, 2002 AT 10:00 A.M.
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, OCTOBER 29, 2002 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at 533-5432.

ITEM-300: ROLL CALL.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-330: Vacation of a portion of Sutter Street.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-234)

Vacating a portion of Sutter Street.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of Sutter Street located in the Uptown Community area within Council District (2). Sutter Street was dedicated on Map 384 in 1871. This portion of the street is a remnant of a realignment of the street in 1912. The area of the street to be vacated is part of the applicants front yard and driveway and there are no plans to widen the street at this location. The Uptown Planners recommended approval of the street vacation unanimously on March 19, 2001. The street area to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. It is unlikely that a street would be widened at this location. This area of the street is part of the applicant's driveway.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land will revert to private ownership and will relieve the City of any liability.

c) That the vacation is not inconsistent with the General Plan, an approved Community Plan or the Local Coastal Program. The portion of the street being vacated is not part of the community plan transportation element and land would revert to a RS-1-5 zone which is consistent with the community plan land use designation. The Uptown Planners recommends approval of the street vacation.

d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. There are no present or future plans to construct a street in this area.

FISCAL IMPACT:

None. All costs have been paid by the applicant.

Ewell/Broughton/AEA

NOTE: This action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-331: Savannah Terrace.

(Continued from the meetings of September 10, 2002, Item 331, and October 8, 2002, Item 330; last continued at the City Council's request, to allow staff to prepare a permit in accordance with the project that was presented to Council and to work out other issues.)

Matter of approving, conditionally approving, modifying or denying to the City Council a Rezone from CC to RM-2-5 (1 dwelling unit per 1,500 square feet of lot area) Tentative Map/Planned Development Permit/Site Development Permit/Street Vacation/Multiple Habitat Plan Area Boundary Adjustment to develop five lots with 289 multi-family units on a 28.96-acres site. The project is located at the northeast corner of Sabre Springs Parkway and Poway Road.

(See City Manager Report CMR-02-197. RZ/PDP/SDP/SV/TM/MHPA Boundary Adjustment 40-0644. Sabre Springs Community Plan area. District-5.)

NOTE: Hearing closed. Testimony taken on 10/8/2002.
Hearing open. No testimony taken on 9/10/2002.

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in subitem A; adopt the resolution in subitem B to deny the permits

and MHPA Boundary Adjustment; adopt the resolution in subitem C to deny the tentative map/street vacation; and adopt the resolution in subitem D:

Subitem-A: (O-2003-60)

Introduction of an Ordinance changing portions of a property, located at the northeast corner of Sabre Springs Parkway and Poway Road, in the Sabre Springs Community Plan Area, in the City of San Diego, California, from CC-1-3 (Community Commercial) Zone into the RM-2-5 (Medium Density Residential) Zone, as defined by San Diego Municipal Code section 101.0111; and repealing Ordinance O-17061 (New Series), adopted April 18, 1988, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2003-)

Adoption of a Resolution granting or denying Planned Development/Site Development Permit No. 40-0644 and MHPA Boundary Adjustment, with appropriate findings to support Council action.

Subitem-C: (R-2003-)

Adoption of a Resolution granting or denying Vesting Tentative Map/Street Vacation 40-0644, with appropriate findings to support Council action.

Subitem-D: (R-2003-317)

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 40-0644, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of regulations section 15000 et seq.), and that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Savannah Terraces project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that Mitigated Negative Declaration, is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

OTHER RECOMMENDATIONS:

On June 13, 2002, the Planning Commission voted 5-0 to approve staff's recommendations and deny the proposal; no opposition.

Ayes: Lettieri, Brown, Garcia, Steele and Shultz
Recusing: Chase

On August 3, 2001, the Sabre Springs Planning Group voted 7:0:1 in support of the project.

CITY MANAGER SUPPORTING INFORMATION:

The 28.69-acre project site is located on the northeast corner of Sabre Springs Parkway and Poway Road, within the Sabre Springs Community Plan area. The project site is designated Community Commercial, Multi-Family and Institutional. Surrounding uses include Specialty Commercial (SC) to the west; Low-Medium Density Residential (LM-10-15 du/acre) to the south; Institutional/Utilities (IN) to the east; Medium Density Residential (M-15-30 du/acre) to the northeast; Open Space (OS) and Neighborhood Park (NP) to the north of the project site.

FISCAL IMPACT: None.

Ewell/Christiansen/PXG

LEGAL DESCRIPTION:

The project site is located at the northeast corner of Sabre Springs Parkway and Poway Road, within the Sabre Springs Community Planning area and is more particularly described as Parcel 1 and 2, per Parcel Map No. 17661; Lots 4 and 5 of North Creek Areas 14, 15, 16, 17, and 18, Unit No. 1, per Map No. 12937.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-332: Fourth Amendment to San Diego Unified Port District Agreement.

RETIREMENT BOARD'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-553)

Authorizing the City Manager to execute a Fourth Amendment to Agreement with the San Diego Unified Port District, to provide retirement benefits to employees of the District through participation in the San Diego City Employees' Retirement System.

SUPPORTING INFORMATION:

The City of San Diego and the San Diego Unified Port District entered into an Agreement dated February 11, 1964, to allow employees of the Port District to participate in the San Diego City Employees' Retirement System. This Agreement was modified by three subsequent amendments dated March 26, 1992; March 17, 1997 and January 19, 1999, respectively. The Agreement, and the first, second and third amendments thereto, are on file in the office of the San Diego City Clerk as Document Nos. 667149, RR-279991, RR-288414 and RR-291195.

In April 7, 2000, former Port employee, Kenneth Andrecht and others filed a class action lawsuit against the City of San Diego, the Port and the San Diego City Employees' Retirement System seeking enhanced retirement benefits pursuant to Ventura County Deputy Sheriffs Association v. Board of Retirement of Ventura County Employees' Retirement Association.

The matter was settled and in September 2001, the Court accepted the terms of the settlement. The City and Unified Port District now wish to enter into a fourth amendment to the Agreement, allowing the San Diego City Employees' Retirement System to calculate the Port's retirement benefits pursuant to the terms of the settlement entered in the matter of Andrecht et. al. v. San Diego Unified Port District, et. al., SDSC No. 746436. In addition, by this fourth amendment the Port seeks to include to additional categories included among the pay items of compensation subject to retirement contribution which were not included in the Andrecht settlement.

These include "lead equipment mechanic" and "nightshift" this fourth agreement is unrelated to and independent of any benefits changes agreed to by the City of San Diego and the labor unions representing City employees in the 2002 meet and confer sessions. The Port does not adopt any of those changes.

Finally, effective October 22, 2002, the Port District intends to make the following changes to the retirement benefits it offers to its employees: (1) General Members will be eligible to retire for service at age 62 with 5 or more years of Creditable Service, instead of 10 years of Creditable Service; (2) Safety Members will be eligible to retire at age 55 with 5 or more years of Creditable Service, instead of 10 years of Creditable Service; and (3) car allowances will be included in the definition of Base Compensation.

Grissom

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS RESOLUTIONS:

ITEM-333: Ratifying the College Community Redevelopment Project Area Committee for October 1, 2002 Election Results.

(See City Manager Report CMR-02-239. College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-548)

Ratifying the election results of October 1, 2002 for the Project Area Committee for the College Community Redevelopment Project Area and authorizing the extension of the Project Area Committee for one Year.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-334: One-Year Extension of the Centre City Project Area Committee and Amendments to Procedures for Formation.

(See Report from Centre City Development Corporation CCDC-02-04. Centre City Redevelopment Project Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-532)

Authorizing the extension of the Centre City Project Area Committee for one year from November 2002 to November 2003.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-335: Public Facilities Financing Authority of the City of San Diego.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-492)

Authorizing the City Manager to execute a Second Amended and Restated Joint Exercise of Powers Agreement between the City of San Diego and the Redevelopment Agency.

CITY MANAGER SUPPORTING INFORMATION:

A Joint Exercise of Powers Agreement by and between the City of San Diego and the Redevelopment Agency of the City of San Diego (the "Agreement") was entered into on May 14, 1991. This agreement established the Public Facilities Financing Authority (the "Authority") of the

City of San Diego. The Authority is empowered by law to Jointly exercise any powers common to the City and the Agency, and is also authorized to issue bonds and expend bond proceeds for any lawful purpose, including the financing of certain public capital improvements. The Authority is administered by a Commission which currently consists of five members: the City Manager, the City Auditor and Comptroller, and three members of the public.

The City Manager and the City Auditor and Comptroller have served on the Board since the inception of the Authority in 1991 and have expressed a desire to no longer serve on the Board. It is proposed that the City Treasurer and Assistant Executive Director of the Redevelopment Agency replace the City Auditor and Comptroller and City Manager on the Board. The City Auditor and Comptroller would remain an officer of Authority as the Comptroller/Treasurer.

CITY MANAGER SUPPORTING INFORMATION:

In addition, the Commissioners would hold office until a successor is appointed by City Council or the Redevelopment Agency.

FISCAL IMPACT:

There is no fiscal impact associated with these actions.

Vattimo/Frazier/YPE

NOTE: See the Redevelopment Agency Agenda of 10/29/2002 for a companion item.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT